

Appl. No. 09/876,442

### REMARKS

This is in response to the Office Action of 16 November 2005. Claims 1-10 are pending in the application, and Claims 1-10 have been finally rejected.

By this Response, arguments traversing the rejections are presented.

No new matter has been added.

In view of the remarks below, Applicants respectfully request reconsideration, withdrawal of the improper rejections, and further examination.

#### About The Invention

The present invention relates generally to methods and apparatus for providing audio data which is added to one or more pre-existing broadcast messages. In this way, the audio data is received by portable devices, without those portable devices having to request audio data from the entities broadcasting the audio data.

#### Rejections under 35 USC §103(a)

Claims 1-10 have been rejected under 35 USC §103(a) as being unpatentable over Ravago, et al., (US Patent 6,529,584) in view of Clarke, Jr., et al., (US Patent 6,085,235).

Applicants respectfully traverse the rejection of Claims 1-10.

For at least the reasons presented below, Applicants respectfully submit that the rejections are improper, and request that the rejections be withdrawn.

Ravago, et al., disclose methods and apparatus for a navigable audio delivery system that includes an audio application and content. The application includes control data relating to the delivery of audio content to a user replay device. The delivery system facilitates the navigation between logical portions of the audio content by associating tag data with the audio content. The system

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also facilitates navigation between parallel portions of an audio program by including multiple layers of content in the audio program that is delivered to the user replay device. Importantly, in the system and method of Ravago, et al., a navigation command is received from the replay device, and responsive thereto, modifications to the audio data can be made prior to transmission to the replay device. In other words, Ravago, et al., teach a system that requires input from the user replay device.

Clarke, Jr., et al., disclose one or more servers that are connected to a network, and one or more service provides that provide content, including audio content, to those servers. The servers execute a process that parses the content into two or more channels, and then broadcasts those channels over the network to a plurality of computers. The server process examines the information sent from the service providers to determine zero or more of the categories that describe the content, and then labels the information with the channel identifier associated with the respective categories prior to sending the information over the network. The server can also run processes, and broadcast commands to the clients that associate/disassociate channel identifiers and categories.

Applicants' invention is directed to the inclusion of audio data in a second format, to messages in a first format, such that the included audio data is interpreted to be a broadcast of the audio data, and therefore the audio data may be received by a plurality of portable devices. In this way, such audio data may be received by the portable devices, without the portable devices having to make a transmission of their own to request the audio data. In this way, the portable devices advantageously conserve battery charge.

Independent Claims 1 and 3 are clear that no communication is made from the portable device to the beacon that transmits messages to which audio data has been appended. This is different from the disclosure of Ravago, et al., which requires two-way communication and interaction between a replay device and the source of audio data.

The Examiner's citation of Ravago, et al., at cols. 1-2, lines 66-24, cols. 5-

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6, lines 55-38, does not show the broadcast of a series of messages with data fields arranged according to a first communication protocol and additional data representing audio data added to the data of the first communication protocol, as claimed. Rather, the cited material of Ravago, et al., makes clear that communication is required between the server and replay device, and that all the data sent to the replay device is audio data.

Ravago, et al., do not disclose, suggest, or provide motivation for the claimed communication format that includes a conventional message to which is added audio data that is treated as broadcast data by the portable devices receiving a transmission in the aforementioned communication format.

The Examiner cites col. 1, lines 23-29, cols. 11-12, lines 58-16, and col. 17, lines 31-44, of Clarke, Jr., et al., for a disclosure of one-way broadcasts. These disclosures of Clarke, Jr., et al., do not show the type of communication recited in Applicants' Claims. Rather, the cited material only discloses that audio information may be communicated on a satellite uplink; that a multi-cast (not a broadcast) of audio data may be made to user devices that have previously communicated an interest in receiving such information; and one-way communication of control information. None of these disclosures, alone or in combination with Ravago, et al., produces the claimed invention which requires no communication from the portable device to the beacon, and the transmission by the beacon of data in accordance with a first protocol and transmission of an additional data field that contains audio data and which audio data is interpreted as a broadcast by the receiving portable device.

In view of the foregoing, Applicants respectfully submit that rejection of independent Claims 1 and 3, and the Claims that depend therefrom, is improper and should be withdrawn.

Further, with respect to Claims 8-10, the Examiner does not address the limitations recited in these Claims. Claims 8-10 depend from independent Claim 1, and are directed to cyclical broadcast of an index of available audio information streams; broadcast of both continuous and discontinuous audio

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information streams; and the interruption of a continuous audio stream with data from a discontinuous audio stream. The Examiner has not shown that the references, either singularly or in combination, disclose suggest or provide motivation for the invention as defined by Claims 8-10.

**Conclusion**

All of the rejections in the outstanding Office Action of 16 November 2005 have been responded to, and Applicants respectfully submit that the rejections are improper and should be withdrawn.

Applicants respectfully request that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

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